

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ERIC POIRIER,

Plaintiff,

v.

Case No. 07-C-67

PHIL KINGSTON, et al,

Defendant.

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**ORDER DENYING MOTION FOR RECONSIDERATION**

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Plaintiff Eric Poirier has filed a motion for reconsideration of the court's decision granting the defendants' motion to dismiss for failure to exhaust administrative remedies. For the reasons that follow, the motion will be denied.

A motion for reconsideration serves a limited purpose in federal civil litigation; it should be used only "to correct manifest errors of law or fact or to present newly discovered evidence." *Rothwell Cotton Co. v. Rosenthal & Co.*, 827 F. 2d 246, 251 (7th Cir. 1987). Poirier's motion fails to meet this test. His motion is primarily addressed to the merits of his underlying claim, namely that the defendants violated his right of access to the courts. The decision dismissing his case, however, was based on the fact that he failed to properly exhaust his administrative remedies.

Poirier fails to offer any reason from which the court can conclude that its decision was in error. He does not challenge the well-established principles of law that were applied in his case, nor does he offer any explanation that was not previously available to him as to why he failed to meet the deadlines imposed by the Inmate Complaint Review System in place in Wisconsin state prisons. Under these circumstances, there are simply no grounds upon which his motion can be granted.

Accordingly, the motion for reconsideration is hereby denied.

**SO ORDERED** this 26th day of June, 2007.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge